Andrew I. Silfen
Heike M. Vogel
ARENT FOX LLP
1675 Broadway
New York, New York 10019
(212) 484-3900

Attorneys for Roy Babitt, Chapter 7 Trustee

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

--- X

In re WILLIAM CHARLES BACE :

--- X

WILLIAM CHARLES BACE, : 11 Civ. 6065 (PAC) (HBP)

Appellant. :

– against – :

TRUSTEE ROY BABITT, et al., : Related to: Chapter 7 Case No. 05-19458 (RDD)

Appellees. :

--- X

NOTICE OF MOTION BY ROY BABITT, CHAPTER 7 TRUSTEE, FOR AN ORDER DISMISSING THE APPEAL OF WILLIAM CHARLES BACE AGAINST THE CHAPTER 7 TRUSTEE BASED ON THE FAILURE TO ALLEGE A CLAIM OR CONTROVERSY AGAINST THE CHAPTER 7 TRUSTEE AND MEMORANDUM OF LAW IN SUPPORT OF MOTION

PLEASE TAKE NOTICE that Appellee Roy Babitt, in his capacity as Chapter 7 Trustee (the "Trustee"), duly appointed by the United States Trustee in the Appellant's Chapter 7 bankruptcy case, upon the accompanying Motion and Memorandum of Law, and upon all other papers and pleadings in this action, will move this Court, before the Honorable Paul A. Crotty, United States District Judge, at the United States District Court for the Southern District of New York, 500 Pearl Street, Courtroom 20-C, New York, New York 10007, at such time as the Court may direct, for an Order dismissing him with prejudice from Mr. Bace's Appeal for failure to meet the threshold requirement of "case or controversy" imposed by Article III of the United States Constitution, and for such other and further relief as the Court may deem just and proper.

Dated: New York, New York
January 19, 2012

ARENT FOX LLP
Attorneys for Roy Babitt, Chapter 7 Trustee

By: */s/ Heike M. Vogel*
Andrew I. Silfen
Heike M. Vogel
1675 Broadway
New York, New York 10019
(212) 484-3900